

JUAN DE FUCA LAND USE COMMITTEE

Notice of Meeting on Tuesday, **May 18, 2021 at 7:00 pm**

Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

SUPPLEMENTARY AGENDA

1. Additional information received for the following agenda item:
 - a) Agenda Item 6 b) Bylaw No. 4412, “Land Use Bylaw for the Rural Resource Lands, Bylaw No. 1, 2009, Amendment Bylaw No. 8, 2021” and Bylaw No. 4413, “Juan de Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 151, 2021” (Outdoor Recreation)
 - Heather Phillips, Otter Point

jdf info

From:
Sent: Friday, May 14, 2021 7:49 AM
To: jdf info; Heather Phillips
Subject: JdF LUC Agenda Item 6b May 18 2021 proposal to delete "outdoor recreation"

To JdF LUC, Planners and to Whom it May Concern

Re: Amendment Bylaw No. 8, 2021 and Amendment Bylaw No. 151, 2021 which comprise the proposal to delete "outdoor recreation" as a permitted use

Heather Phillips (Otter Point)

May 14, 2021

"Outdoor recreation" is problematic on Crown land and on private land. The concept needs work. Consultation is needed. In the meantime, please do not delete the definition and the permission for this type of land use.

The way the bylaws are structured, deleting the definition of outdoor recreation and deleting outdoor recreation as a permitted use makes outdoor recreation a prohibited use. Prohibiting such uses will create far more problems than arise presently from managing such uses. Property owners are expected to manage the use of their land and are subject to penalties if an offence occurs.

As I understand the bylaws, deleting the definition of "outdoor recreation" and deleting it as a permitted use is not going to solve land use problems. When the bylaws were drafted, people recognized that "outdoor recreation" is a land use. The recent controversy and decision around mountain bike trails in regional parks demonstrate the need to manage outdoor recreation. Silence is not consent in these bylaws especially since the issue has been raised and people are aware of the need for management. Trail building and trail use, from hiking through horse back riding to off road motor vehicle use, need to be managed. Where do hunting and fishing fit in the description of "outdoor recreation"? Does the owner allow a family party to go snowshoeing? Hiking? Swimming in a lake or stream?

I say, do not delete the definition of "outdoor recreation" until a replacement definition is ready.

I say, do not delete "outdoor recreation" as a permitted use in the Resource Land zone, Resource Land Meteorological Tower zone and Rural Resource Land zone.

In fact, the way the bylaw is written, "outdoor recreation" is not, at present, a permitted use in the Gordon River Recreation zone, the Agriculture zone, or the Comprehensive Development zone in the Rural Resource Lands. I have not looked at the Shirley Jordan River OCP recently but I expect the problems to be solved are the same.

Heather Phillips

Excerpts from Bylaw No. 4412, "Land Use Bylaw for the Rural Resource Lands", Bylaw No. 1, 2009

I. INTERPRETATION AND ADMINISTRATION

This Bylaw regulates the development and use of land and the location and use of buildings and structures erected thereon, having due regard to:

- 1) The promotion of health, safety, convenience and welfare of the public;
- 2) The prevention of the over-densification of land and the preservation of amenities particular to any zone;
- 3) The securing of adequate access;
- 4) The value of the land and the nature of its present and prospective use and occupancy;
- 5) The character of each zone and the suitability of the zone for particular uses and densities;
- 6) The conservation of significant natural environmental features.

ECO-TOURISM ACTIVITIES means an activity in which any or all of the following are the primary attraction: the flora, fauna or the local culture. This includes but is not limited to the following:

- a) Canopy tours;
- b) Kayaking;
- c) Walking tours;
- d) Interpretative centres;
- e) Wildlife centres.

OUTDOOR RECREATION means a recreational activity undertaken where the outdoor setting and landscape and the density of recreational users are not significant elements in the activity; excludes tourist lodges and cabins, marinas, recreational vehicle sites, resorts, and drive-in campgrounds.

1.5 VIOLATION

Any person who is an owner or occupier of land in the area subject to this bylaw who:

- 1) Uses or permits the use of land, a building or structure contrary to any provision of this bylaw; or
- 2) Builds, alters, reconstructs, moves or extends any building or structure contrary to the provisions of this bylaw commits an offence and is subject to the penalty prescribed in Part 1.6 of Schedule A.

2.16 PROHIBITED USES

- 1) Any use not expressly permitted in a zone is prohibited;

4.1 RESOURCE LAND (RL)

4.1.1 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this bylaw, the following uses and no others shall be permitted in the Resource Land (RL) Zone:

- a) Dwelling unit;
- b) Resource Extraction;
- c) Agriculture; and
- d) Outdoor Recreation.

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite or detached accessory suite; and
- d) Any buildings or structures accessory to the above uses.

4.1A RESOURCE LAND - METEOROLOGICAL TOWER (RL-MT)

4.1A.1 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this bylaw, the following uses and no others shall be permitted in the Resource Land – Meteorological Tower (RL-MT) Zone:

- a) Dwelling unit;
- b) Resource Extraction;
- c) Agriculture;
- d) Outdoor Recreation; and
- e) Meteorological Tower.

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite or detached accessory suite; and
- d) Any buildings or structures accessory to the above uses.

4.2 RURAL RESOURCE LAND (RRL)

4.2.1 Permitted Uses

In addition to the uses permitted by Part 2, Schedule A of this bylaw, the following uses and no others shall be permitted in the Rural Resource Land (RRL) Zone:

- a) Dwelling unit;
- b) Resource Extraction;
- c) Agriculture; and
- d) Outdoor Recreation

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite or detached accessory suite;
- d) Any buildings or structures accessory to the above uses.

4.3 GORDON RIVER RECREATION (GR)

4.3.1 Permitted Uses

The following uses and no others are permitted in the GR zone:

- a) Dwelling unit;
- b) Marina and moorage facilities;
- c) Tourist Accommodation including campsites, recreational vehicle sites, tourist cabins, tourist lodges, hotels;
- d) Mobile home park
- e) Staff accommodation; and
- f) Eco-tourism Activities.

Permitted accessory uses and buildings include the following:

- a) Accessory buildings ancillary to any permitted use;
- b) Public washrooms and showers;
- c) Storage Yards;
- d) Office Space;
- e) Ancillary fuel sales;
- f) Equipment rentals;
- g) Boat Storage; and
- h) Recreation Vehicle Shelter.

4.4 AGRICULTURE (AG)

4.4.1 Permitted Uses

The following uses and no others are permitted in an AG zone:

- a) Dwelling Unit;
- b) Agriculture;
- c) Intensive Agriculture, subject to approval from the Agricultural Land Commission;

- d) Resource Extraction, subject to approval from the Agricultural Land Commission;
- e) Intensive Agriculture – Medical Marihuana Production is permitted on lands within the Agricultural Land Reserve.

Bylaw 3926

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Accessory buildings ancillary to any permitted use; and
- d) Dwelling unit for farm labourers, subject to approval from the Agricultural Land Commission.

4.5 WATER SUPPLY AREA (W)

For purposes of this bylaw, all lands within the Water Supply Area Zone (W) are regulated and administered by the Capital Regional District Water Services.

4.5.1 Permitted Uses

Land within this zone shall be used for the catchment, containment, distribution, management and diversion of water, and any other activities that are required to maintain a continual supply of high quality drinking water such as, but not limited to, the following:

- a) Construction, upgrade and maintenance of water supply facilities and infrastructure;
- b) Monitoring and management of water bodies and streams;
- c) Monitoring and management of vegetation;
- d) Monitoring and management of fish and wildlife;
- e) Construction, upgrade, maintenance and rehabilitation of service roads;
- f) Installation, upgrade and management of energy transmission corridors;
- g) Protection of historic and cultural sites; and
- h) Scientific research.

4.6 COMPREHENSIVE DEVELOPMENT ZONE (CD-2)

4.6.1 Permitted Uses

1) In the area marked "A" ("Area A") as shown on Plan No. 1 attached to this Bylaw:

- (a) A One-Family Dwelling;

Permitted accessory uses and buildings on any parcel include the following:

- a) Home-based business;
- b) Bed and Breakfast;
- c) Secondary suite;
- d) Detached Accessory suite;
- e) Accessory buildings ancillary to any permitted use;

2) In the area marked "B" ("Area B") as shown on Plan No. 1 attached to this Bylaw:

- a) One Tourist Lodge or one one-family dwelling per parcel;
- b) Each Tourist Lodge shall have a maximum of 10 units for the travelling public;
- c) Each Tourist Lodge shall have a maximum of one unit for staff accommodation;
- d) Each Tourist Lodge shall have a maximum of one unit for the owner/operator.